

CAUSE OF ACTION NO. 4,165-B

IN RE)
)
ERNEST LOPEZ)

Affidavit of Rebecca Hand

Before me, the undersigned authority, personally appeared Rebecca Hand, who after being duly sworn, stated the following under oath:

1. My name is Rebecca Hand. I am the bookkeeper and office manager at Hand Industrial, 1419 N.E. 3rd, Amarillo, Texas 79107. My husband is the founder and president of the firm.
2. From 1978 to 1989, I worked as a technician in a community hospital in Wyoming. Because the hospital was small, I often worked in the Emergency Room, Med/Surg. Floors, ICU/CCU, Labor/Delivery and Pediatrics.
3. Ernest (Ernie) Lopez worked for our company from May 2000 to May 2001 and from February 2002 to January 2003. Ernie was a good employee and very friendly. On breaks, he often came by my office to chat, often about his family.
4. At work, Ernie stood out as a very gentle person. He would joke with the other male employees, but he was softer and kinder. He was devoted to his family, and it was clear that he loved children. His face lit up when he talked about his children or when his wife, DeAnn, brought them by his work.
5. In the late summer of 2000, Ernie told me that his wife was babysitting Dr. Vas' children and that Dr. Vas would often stay overnight at their home. He also told me that he and DeAnn were becoming increasingly concerned about Dr. Vas's behavior. She would often leave the kids with them for several days, and they would not be able to get in touch with her. On one occasion, Dr. Vas told them she was going out of town to visit relatives in another part of the state. The Lopez's were unable to get in touch with her and later learned she was out of state visiting a boyfriend.
6. My feeling was that Ernie and DeAnn were uneasy with Dr. Vas' history with men. Ernie told me that Isis' father wouldn't commit to Dr. Vas as long as there were children in the picture, and that Isis' father wouldn't have anything to do with Isis. As Ernie related to me more and more strange behavior on the part of Dr. Vas, I asked him why they continued to watch the kids given the drama of Dr. Vas's life. He said that they did it for the kids.
7. During the week of October 24th, 2000, Ernie came to work very tired. He said that Dr. Vas' baby, Isis, had come back to their house sick, that he had been up much of the night, and that he was worried about the baby. He was concerned that

her illness might be serious or contagious.

8. Ernie also asked me what flea bites looked like. He said that when Dr. Vas brought the baby back, she had bites all over her head and neck. He said they started above one eyebrow and were almost in a pattern. I asked whether it might be a heat rash. Ernie said the bumps were strange looking and weren't like anything he had seen before. From his description, I wondered about ringworm, scarlet fever, chicken pox or any of the other childhood diseases. He also said that the baby hadn't been eating and was lethargic.
9. Ernie talked about wanting to take the kids, including Isis, to the doctor. He said that he had talked to Dr. Vas about the baby's sickness and bumps, but that she said that the baby was okay and that the bumps would go away. He said that Dr. Vas seemed unconcerned and indifferent. I suggested that if Isis got worse, he should insist that Dr. Vas take her to a doctor.
10. On Friday, Ernie stayed home after lunch. I understood he was staying home because the children were sick and he and DeAnn were tired.
11. The following day, Ernie was arrested. For a long time, I kept notes on what had happened the previous week since I wondered if the baby's death was related to her illness. I told quite a few people about the child's illness, but I don't remember exactly who I talked to. I think I may have talked about the child's illness to Ernie's attorneys, CPS and/or someone at the district attorney's office.
12. After Ernie was convicted, I threw away my notes since no one seemed interested in the baby's illness or in any explanation for the baby's death other than the state's theory that Ernie had raped and murdered her. This theory was inconsistent with what I had heard about the child's illness and family history as well as what I knew about Ernie. However, it seemed that the prosecutors were ignoring any information that didn't fit their theory.
13. Amarillo is a large small town, and information spreads rapidly. It was general knowledge that Dr. Vas had a very poor reputation and that the baby was bruised and/or ill when she came to Ernie's home. I know that one or more of our employees called the police to tell them about Ernie's concerns about the baby prior to her death. I don't know anyone who knew Ernie who thought he was guilty, but there was also a strong sense that he was going to be convicted whether or not he was guilty.
14. From personal experience and experience in the medical field, I was well aware of the tendency for emergency room personnel and the authorities to rush to judgment. Sometimes abuse is assumed without considering the child's clinical history. In this case, it seemed the child's spots and illness might be related to her death.
15. From the beginning it seemed that Ernie was being tried and convicted in the

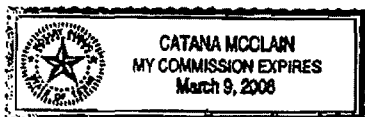
press. From the beginning, the alleged rape was reported in the newspapers and on the television channels. I believe that almost everyone in Amarillo could have heard of this case, which was viewed as sensational due to the type of case it was and other similar cases occurring around the same time.

16. I heard many rumors throughout this case. For example, I heard that Dr. Vas told CPS that she had been abused as a child, possibly by her father. I also heard that the prosecutor, Rebecca King, told people who questioned the state's theory that she was confident that "we have our man." Given the baby's illness and family background, I could not understand why the prosecutors were focusing solely on Ernie instead of figuring out what caused the marks on the child's head and why the child was ill and/or bruised before she came to Ernie and DeAnn's. Why would they not check every avenue if a man's life is at stake?
17. Several people told me that if it was in the paper, it had to be true, and that if he was arrested, it had to be true. This type of attitude can make it difficult to get a fair trial in a sensational case. I wondered at the time whether Ernie's attorneys had asked for a change of venue. At minimum, they would have had to be very careful to exclude any jury members who might have already made up their mind based on gossip or publicity.
18. I also wondered whether any of the child's injuries may have been caused by the efforts to resuscitate her. I know from my hospital experience that such efforts can be very rough and can cause a great deal of trauma, particularly in a small child. I also recently learned that some of the child's organs may have been transplanted. This is also traumatic and would have to be taken into account in looking at any injuries or findings in the autopsy.

I declare under penalty of perjury under the laws of the State of Texas that the foregoing is true and correct.

Rebecca Hand
Rebecca Hand

Subscribed and sworn to before me
This 31st day of JULY, 2006



Catana McClain
Notary Public
State of Texas